STATUS OF CLAIMS

Claims 1 - 51 are pending.

Claims 1 - 51 stand rejected by the Examiner.

Claims 12, 25 and 47 have been amended, without prejudice, herein.

Claims 1 - 8 have been cancelled, without prejudice, herein.

REMARKS

Reconsideration of the present Application is respectfully requested.

The Specification has been objected to for informalities with the disclosure. Claims 7, 8, 12, 25 and 47 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out an distinctly claim the subject matter which applicant regards as the invention. Claims 1, 4-8, 39-42, 48 and 49 have been rejected under 35 U.S.C. 102(b) as being anticipated by Holden-Banks (GB 2,311,273). Claims 2 and 43-46 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) as applied to Claims 1 and 39, and in further view of Kaufmann (U.S. Patent No. 5,264,265). Claims 3 and 50 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) as applied to Claims 1 and 49, and in further view of Key (U.S. Patent No. 6,385,878). Claim 47 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Kaufmann (U.S. Patent No. 5,264,265) as applied to claim 46, and in further view of Key (U.S. Patent No. 6,385,878). Claim 51 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Key (U.S. Patent No. 6,385,878) as applied to claim 50, and in further view of Kaufmann (U.S. Patent No. 5,264,265). Claims 9-11 and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB

2,311,273) in view of Sakashita (U.S. Patent No. 5,720,499). Claim 13 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Sakashita (U.S. Patent No. 5,720,499) as applied to claim 9, and in further view of Key (U.S. Patent No. 6,385,878). Claims 15-22, 24 and 26-31 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Kaufmann (U.S. Patent No. 5,264,265). Claims 23, 25 and 32 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Kaufmann (U.S. Patent No. 5,264,265) as applied to claims 15 and 26, and in further view of Key (U.S. Patent No. 6,385,878). Claims 33-38 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Key (U.S. Patent No. 6,385,878). Applicant respectfully traverses these rejections, and deems the objections overcome for at least the following reasons.

Amendments To The Specification

The Specification has been objected to because of certain misspellings and typographical errors requiring appropriate correction. The Examiner asserts the phrase "each label has general areal dimensions," is unclear as to what is "areal." In this regard, the word "areal" is nothing more than the word "area" used in the form of an adjective. Further, Applicant respectfully submits the Specification as amended adequately corrects the informalities of the disclosure.

Claim Rejections Pursuant to 35 U.S.C. 112, Second Paragraph

Claims 7, 8, 12, 25 and 27 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out an distinctly claim the subject matter which applicant regards as the invention.

35 U.S.C. 112, second paragraph, states:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The present office action rejects Claim 12, specifically referencing the portions of the claim which state "said second portion" and "said first portion". The present office action represents that this phrase has insufficient antecedent basis. Applicant respectfully submits that Claim 12 as amended satisfies 35 U.S.C. § 112.

The present office action rejects Claim 25, specifically referencing the portions of the claim which states "said parts". The present office action represents that this phrase has insufficient antecedent basis. Applicant respectfully submits that Claim 25 as amended satisfies 35 U.S.C. § 112.

The present office action rejects Claim 47, specifically referencing the portions of the claim which states "said parts". The present office action represents that this phrase has insufficient antecedent basis. Applicant respectfully submits that Claim 47 as amended satisfies 35 U.S.C. § 112.

35 U.S.C. 102(b) Rejections

Claims 1, 4-8, 39-42, 48 and 49 stand rejected under 35 U.S.C. 102(b) as being anticipated by Holden-Banks (GB 2,311,273). Applicant has cancelled Claims 1 and 4-8, without prejudice, and reserves the right to further prosecute such claims at a later time. Applicant respectfully traverses the rejection of Claims 39-42 and 49 for at least the following reasons.

35 U.S.C. 102(b) recites:

> A person shall be entitled to a patent unless - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

Consistently, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *See, M.P.EP. §2131 citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).*

The Examiner has rejected Claim 39 without addressing the limitation of "a first edge having a different length than a second edge such that a first portion of the member is oriented at an oblique angle relative to a second portion." However, in rejecting Claim 4, the Examiner, while characterizing the Holden-Banks reference, asserted that "Holden-Banks discloses a label with a first edge having a different length than the second edge and they are at an oblique angle relative to each other." In this regard, Applicant respectfully submits Holden-Banks fails to teach each of the limitations of independent Claim 39.

More particularly, Claim 39 requires that the oblique angle is relative to the first and second *portions* of the label, and not relative to the first and second *edges*. Holden-Banks teaches a label with edges that each create a straight line from one end of the label to the other. (See e.g. Figures 11 and 12). In other words, there is a complete absence in Holden-Banks of an oblique angle between any first and second portions of the label.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. 102(b) rejection of Claim 39, as Holden-Banks fails to teach the oblique angle recited in Claim 39. Further, Applicant respectfully requests reconsideration and withdrawal of the 35

U.S.C. 102(b) rejections of Claims 40-42, 48 and 49, as each of these Claims ultimately depends from a patentably distinct independent base Claim 39.

Rejections based on 35 U.S.C. § 103 (a)

Claims 2 and 43-46 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) as applied to Claims 1 and 39, and in further view of Kaufmann (U.S. Patent No. 5,264,265). Claims 3 and 50 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) as applied to Claims 1 and 49, and in further view of Key (U.S. Patent No. 6,385,878). Claim 47 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Kaufmann (U.S. Patent No. 5,264,265) as applied to claim 46, and in further view of Key (U.S. Patent No. 6,385,878). Claim 51 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Key (U.S. Patent No. 6,385,878) as applied to claim 50, and in further view of Kaufmann (U.S. Patent No. 5,264,265). Claims 9-11 and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Sakashita (U.S. Patent No. 5,720,499). Claim 13 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Sakashita (U.S. Patent No. 5,720,499) as applied to claim 9, and in further view of Key (U.S. Patent No. 6,385,878). Claims 15-22, 24 and 26-31 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Kaufmann (U.S. Patent No. 5,264,265). Claims 23, 25 and 32 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks (GB 2,311,273) in view of Kaufmann (U.S. Patent No. 5,264,265) as applied to claims 15 and 26, and in further view of Key (U.S. Patent No. 6,385,878). Claims 33-38 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks

(GB 2,311,273) in view of Key (U.S. Patent No. 6,385,878). Applicant has cancelled Claims 2 and 3, without prejudice, and hereby reserves the right to further prosecute such claims at a later time. Applicant respectfully traverses the rejection of claims 9-38, 43-47, and 50-51 for at least the following reasons.

35 U.S.C. 103(a) sets forth in part:

> [a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).*

Claims 43-46

Claims 43-46 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Holden-Banks as applied to Claim 39, and in further view of Kaufmann. Applicant respectfully traverses these rejections for at least the following reasons. Applicant respectfully submits the cited

references, either separately or in combination, fail to teach or suggest at least each of the limitations of Claim 39. For at least the reasons set forth hereinabove, Holden-Banks fails to teach each of the limitations of independent Claim 39. Kaufmann teaches a multi-ply label. Likewise, Kaufmann fails to teach the oblique angle recited in Claim 39. Accordingly, Applicant submits at least Claim 39 is patentably distinguishable over the prior art of record. Applicant further submits that Claims 43-46 are similarly distinguishable over the prior art of record, at least by virtue of their ultimate dependency from a patentably distinct base Claim 39.

Claim 50

Claim 50 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks, as applied to Claim 49, and in further view of Key. Applicant respectfully traverses this rejection for at least the following reasons. Applicant respectfully submits the cited references fail to teach or suggest at least each of the limitations of Claim 39. For at least the reasons set forth hereinabove, Holden-Banks fails to teach each of the limitations of independent Claim 39. Key teaches a rotatable label. Likewise, Key fails to teach the oblique angle recited in Claim 39. Accordingly, Applicant submits at least Claim 39 is patentably distinguishable over the prior art of record. Applicant further submits Claim 50 is similarly distinguishable over the prior art of record, at least by virtue of the Claim's ultimate dependency from a patentably distinct base Claim 39.

Claim 47

Claim 47 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks, in view of Kaufmann, as applied to claim 46, and in further view of Key. Applicant respectfully traverses this rejection for at least the following reasons. For at least the reasons set forth hereinabove, Holden-Banks, Kaufmann and Key, either separately or in combination, fail to

teach each of the limitations of independent Claim 39. Accordingly, Applicant submits at least Claim 39 is patentably distinguishable over the prior art of record. Applicant further submits Claim 47 is similarly distinguishable over the prior art of record, at least by virtue of the Claim's ultimate dependency from a patentably distinct base Claim 39.

Claim 51

Claim 51 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks, in view of Key, as applied to claim 50, and in further view of Kaufmann. Applicant respectfully traverses this rejection for at least the following reasons. For at least the reasons set forth hereinabove, Holden-Banks, Kaufmann and Key, either separately or in combination, fail to teach each of the limitations of independent Claim 39. Accordingly, Applicant submits at least Claim 39 is patentably distinguishable over the prior art of record. Applicant further submits Claim 51 is similarly distinguishable over the prior art of record, at least by virtue of the Claim's ultimate dependency from a patentably distinct base Claim 39.

Claims 9-11 and 14

Claims 9-11 and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks, in view of Sakashita. Applicant respectfully traverses these rejections for at least the following reasons.

Neither Holden-Banks nor Sakashita teach the step of *reapplying* a release paper to the pressure sensitive adhesive material. In particular, Holden-Banks teaches only the step of "applying a backing sheet to the coated surface" (page 12, line 13), without any previous application of a

backing sheet to *reapply* from. Likewise, Sakashita teaches only the step of peeling off the release-liner without any subsequent *reapplying*. Accordingly, Applicant submits at least Claim 9 is patentably distinguishable over the prior art of record, at least by virtue that Holden-Banks and Sakashita fail to teach any reapplying at all.

Further, there are no teachings in the prior art to combine Holden-Banks and Sakashita for the rejection of independent Claim 9. In particular, Holden-Banks does not discuss removing release paper prior to printing on select surfaces, and Sakashita does not discuss reapplying the release paper to the pressure sensitive adhesive material. As such, Applicant respectfully submits the present rejections also fail at least because there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the teachings of the references, there is no reasonable expectation of success in doing so, and the prior art references, either separately or in combination, do not teach or suggest all the claim limitations of Claim 9, as discussed hereinabove. Applicant further submits that Claims 10, 11 and 14 are similarly distinguishable over the prior art of record, at least by virtue of their ultimate dependency from a patentably distinct base Claim 9.

Claim 12

Claim 12 has been rejected under 35 U.S.C. 103 (a) as being unpatentable over Holden-Banks, in view of Sakashita, as applied to claim 9, and in further view of Kaufmann. Applicant respectfully traverses this rejection for at least the following reasons. For at least the reasons set forth hereinabove, Holden-Banks and Sakashita, either separately or in combination, fail to teach each of the limitations of independent Claim 9. Kaufmann teaches a resealable label without the use of a tacky adhesive. Likewise, Kaufmann fails to teach the reapplying of release paper to the pressure sensitive adhesive material as recited in Claim 9, at least by virtue that it fails to mention

any release paper at all, thus failing to teach the reapplication of a release paper. Accordingly, Applicant submits at least Claim 9 is patentably distinguishable over the prior art of record. Applicant further submits that Claim 12 is similarly distinguishable over the prior art of record, at least by virtue of the Claim's ultimate dependency from a patentably distinct base Claim 9.

Claim 13

Claim 13 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks, in view of Sakashita, as applied to Claim 9, and in further view of Key. Applicant respectfully traverses this rejection for at least the following reasons. For at least the reasons set forth hereinabove, Holden-Banks and Sakashita, either separately or in combination, fail to teach each of the limitations of independent Claim 9. Key teaches a rotatable label. Likewise, Key fails to teach the reapplying of release paper to the pressure sensitive adhesive material as recited in Claim 9, at least by virtue that it fails to teach any reapplying of any release paper at all. Accordingly, Applicant submits at least Claim 9 is patentably distinguishable over the prior art of record. Applicant further submits Claim 13 is similarly distinguishable over the prior art of record, at least by virtue of the Claim's ultimate dependency from a patentably distinct base Claim 9.

Claims 15-22, 24 and 26-31

Claims 15-22, 24 and 26-31 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks, in view of Kaufmann. Applicant respectfully traverses these rejections for at least the following reasons. There are no teachings in the prior art to combine Holden-Banks and Kaufmann for the rejections of either independent Claims 15 or 26. In particular, Holden-Banks does not discuss providing a tab portion or a recessed edge. Kaufmann

describes a multi-ply label, not a contiguous, extended wrap label with a length greater than the periphery of the object. As such, Applicant respectfully submits the present rejections fail at least because there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the teachings of the references, and there is no reasonable expectation of success in doing so.

Accordingly, Applicant submits at least Claims 15 and 26 are each patentably distinguishable over the prior art of record. Applicant further submits that Claims 16-22, 24 and 27-31 are similarly distinguishable over the prior art of record, at least by virtue of their ultimate dependency from a patentably distinct base Claim 15 or 26.

Claims 23, 25 and 32

Claims 23, 25 and 32 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks, in view of Kaufmann, as applied to claims 15 and 26, and in further view of Key. Applicant respectfully traverses these rejections for at least the following reasons. For at least the reasons set forth hereinabove, Holden-Banks and Kaufmann, either separately or in combination, fail to support the Examiner's basis for rejection at least because there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the teachings of the references, and there is no reasonable expectation of success in doing so. Key teaches a rotatable label. Likewise, Key fails to teach or suggest providing a tab portion or a recessed edge. As such, Applicant respectfully submits the present rejections fail at least because there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill

in the art, to modify the references or to combine the teachings of the references, and there is no reasonable expectation of success in doing so.

Accordingly, Applicant submits at least Claims 15 and 26 are each patentably distinguishable over the prior art of record. Applicant further submits that Claims 23, 25 and 32 are similarly distinguishable over the prior art of record, at least by virtue of their ultimate dependency from a patentably distinct base Claim 15 or 26.

Claims 33-38

Claims 33-38 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Holden-Banks, in view of Key. Applicant respectfully traverses these rejections for at least the following reasons. There are no teachings or suggestions in the prior art to combine Holden-Banks and Key for the rejection of independent Claim 33. In particular, Holden-Banks does not discuss, or even suggest, a means for evidencing potential tampering. Key describes a rotatable label, not a contiguous, extended wrap label with a length greater than the periphery of the object. As such, Applicant respectfully submits the present rejections fail at least because there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the teachings of the references, and there is no reasonable expectation of success in doing so.

Accordingly, Applicant submits at least Claim 33 is patentably distinguishable over the prior art of record. Applicant further submits that Claims 34-38 are similarly distinguishable over the prior art of record, at least by virtue of their ultimate dependency from a patentably distinct base Claim 33.

Thus, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. 102(b) rejections of Claims 9-38, 43-47 and 50-51.

CONCLUSION

Wherefore, Applicant believes he has addressed all outstanding grounds raised by the Examiner and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited. Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,

Date: August 5, 2004

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